

United States District Court

MIDDLE

DISTRICT OF

PENNSYLVANIA

ACS State & Local Solutions, Inc.,
Plaintiff

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: 1:01-CV-2060

Judge Kane

Eftchildsupport, Com, Inc.,
Defendant

TO: (Name and address of defendant)

(SEE COMPLT.)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Thomas A. French, Esq.
Kevin M. Gold, Inc.
Rhoads and Sinon, LLP
P.O.Box 1146
Harrisburg, Pa. 17108-1146
(717) 233-5731

An answer to the complaint which is herewith served upon you, within (20) Twenty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Mary E. D'Andrea, Clerk
CLERK

October 29, 2001

DATE

George T. Gardner

George T. Gardner

NOTICE OF JUDICIAL ASSIGNMENT

This case has been assigned to the Judicial Officer indicated below. Counsel and all parties are advised that there is an Office of the Clerk in the Federal Courthouses in Scranton, Harrisburg and Williamsport, Pennsylvania. Please file all pleadings directly with the Clerk's Office in which the Judicial Officer is stationed. Do not file any courtesy copies with the court.

In accordance with the local rules, counsel will file the original and two copies of all pleadings, motions, memoranda and other documents except discovery material, with the Clerk's Office. Counsel should file any additional copies with the Clerk's Office as may be required by the Local Rules, an Order of Court, or as required by the assigned Judicial Officer listed below.

JUDICIAL ASSIGNMENTCLERK'S OFFICE ADDRESS

____ Judge Thomas I. Vanaskie

____ Judge A. Richard Caputo

____ Judge James M. Munley

____ Judge William J. Nealon

____ Judge Richard P. Conaboy

____ Judge Edwin M. Kosik

William J. Nealon Federal Building &
U.S. District Courthouse
235 N. Washington Avenue
P.O. Box 1148
Scranton, Pennsylvania 18501
(570) 207-5600

____ Judge Sylvia H. Rambo

X
____ Judge Yvette Kane

____ Judge William W. Caldwell

U.S. District Courthouse
228 Walnut Street
P.O. Box 983
Harrisburg, Pennsylvania 17108
(717) 221-3920

____ Judge James F. McClure

____ Judge Malcolm Muir

U.S. District Courthouse
240 W. Third Street
P.O. Box 608
Williamsport, Pennsylvania 17701
(570) 323-6380

NOTE: This case has been referred to the U.S. Magistrate Judge noted below. Please file all documents at the location indicated.

____ Magistrate Judge J. Andrew Smyser

Harrisburg Address

____ Magistrate Judge Malachy Mannion

Scranton Address

____ Magistrate Judge Thomas M. Blewitt

Scranton Address

1:CV 01-2060

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ACS STATE & LOCAL SOLUTIONS,
INC.,

Plaintiff,

v.

EFTCHILDSUPPORT.COM, INC.,

Defendant.

CIVIL ACTION NO.:

COMPLAINT FOR
PATENT INFRINGEMENT

FILED
HARRISBURG

OCT 29 2001

MARY E. DIANDREA, CLERK
Per 518
DEPUTY CLERK

COMPLAINT

Plaintiff ACS STATE & LOCAL SOLUTIONS, INC. ("ACS") for its
complaint against Defendant EFTCHILDSUPPORT.COM, INC.

("Eftchildsupport") states and alleges as follows.

JURISDICTION AND VENUE

1. This is an action seeking redress for patent infringement under the Patent
Laws of the United States, Title 35, United States Code.

2. This Court has jurisdiction under the provisions of 28 U.S.C. §§ 1331 and 1338(a).

3. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). ACS has a business in Harrisburg, Pennsylvania and, upon information and belief, Eftchildsupport has transacted business directly pertinent to this case in Harrisburg, Pennsylvania.

THE PARTIES

4. ACS is a corporation organized under the laws of the State of New York with its principal place of business at 300 Frank W. Burr Blvd., Teaneck, NJ 07666. ACS has a substantial, permanent, and continuous business presence in the Middle District of Pennsylvania. ACS is the lawful owner of U.S. Patent No. 6,119,107.

5. Upon information and belief, Eftchildsupport is a corporation organized under the laws of the State of Illinois with a business address at 55 W. 22nd Street, Suite 160, Lombard, IL 60148. Upon information and belief, Eftchildsupport has a substantial, permanent, and continuous business presence in the Middle District of Pennsylvania.

6. Upon information and belief, Eftchildsupport does business in this judicial district and has committed and is continuing to commit acts of

infringement in the Middle District of Pennsylvania. Upon information and belief, Eftchildsupport uses, sells, and/or offers for sale child support services in this judicial district. Moreover, upon information and belief, Eftchildsupport has engaged in business in this judicial district by reason of its contacts with the State of Pennsylvania to become a recognized supplier of services in this judicial district and throughout the State of Pennsylvania.

COUNT:

PATENT INFRINGEMENT OF U.S. PATENT NO. 6,119,107

7. ACS incorporates by reference the allegations contained in paragraphs 1 through 6 of the Complaint as if fully set forth herein.

8. On January 7, 1998, patent application Serial No. 09/003,941 ("the '941 application"), entitled "Method and Apparatus for Payment Processing Using Debit-Based Electronic Funds Transfer and Disbursement Processing Using Addendum-Based Electronic Data Interchange," was filed in the U.S. Patent and Trademark Office ("USPTO") based on an earlier-filed patent application, which was filed on September 30, 1997. The '941 application was assigned to Lockheed Martin Corporation, and this assignment was recorded with the USPTO on January 7, 1998 at Reel 8948, Frame 0718. The '941 application issued as U.S. Patent No. 6,119,107 ("the '107 patent") on September 12, 2000. A copy of the '107 patent is attached as Exhibit A.

9. On March 27, 2001, Lockheed Martin Corporation transferred by assignment all rights, title, and interest to the '107 patent (and all divisions, continuations, and reissues thereof) to Lockheed Martin IMS Corporation. This assignment was recorded with the USPTO on April 6, 2001 at Reel 011675, Frame 0432.

10. On August 31, 2001, Lockheed Martin IMS Corporation filed a Certificate of Amendment with the State of New York Department of State, changing its name to ACS State & Local Solutions, Inc. A Notice of Recordation was filed with the USPTO on October 18, 2001 to provide notice of the name change with respect to the assignment for the '107 patent.

11. Upon information and belief, Eftchildsupport has directly infringed under 35 U.S.C. § 271(a), has actively induced infringement under 35 U.S.C. § 271(b), and has contributed to infringement under 35 U.S.C. § 271(c) in the Middle District of Pennsylvania and elsewhere throughout the United States, by unlawfully making, using, selling, and/or offering for sale a method and system for child support services covered by one or more claims of the '107 patent, to the damage of ACS.

12. Eftchildsupport has no license or other authorization to utilize the inventions described and claimed in the '107 patent.

13. By reason of the aforesaid acts of infringement, ACS has been, and will continue to be, irreparably harmed.

PRAYER FOR RELIEF

Wherefore, Plaintiff ACS prays for a final judgment against Defendant Eftchildsupport and respectfully requests that this Court enter an Order providing:

A. That Eftchildsupport has infringed U.S. Patent No. 6,119,107 under 35 U.S.C. § 271(a);

B. That Eftchildsupport has actively induced infringement of U.S. Patent No. 6,119,107 under 35 U.S.C. § 271(b);

C. That Eftchildsupport has contributorily infringed U.S. Patent No. 6,119,107 under 35 U.S.C. § 271(c);

D. That Eftchildsupport, its officers, agents, servants, employees, and attorneys, and those in active concert or participation with them, be preliminarily and permanently enjoined from infringing U.S. Patent No. 6,119,107 pursuant to 35 U.S.C. § 283;

E. That ACS be awarded damages to compensate for Eftchildsupport's infringement of U.S. Patent No. 6,119,107;


F. That ACS be granted pre-judgment and post-judgment interest on the damages caused by reason of Eftchildsupport's infringement of U.S. Patent No. 6,119,107; and

G. That ACS be granted such other and further relief as the equity of the case may require and this Court may deem just and proper, together with the costs and disbursements incurred in this action.

Dated: October 29, 2001

Respectfully submitted,

RHOADS & SINON LLP

By: 

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